

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CIV. 8441

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LUIS TORRES, Jr.,

Plaintiff,

- against -

THE TOWN OF WALLKILL, P.O. DENNIS ROLON,
P.O.HUGO BOSS and JOHN DOE POLICE OFFICERS
1-2,

Defendants-Petitioners
-----X

NOTICE OF REMOVAL

JUDGE KARAS

Orange County
Index No.: 1094407

FILED
U.S. DISTRICT COURT
2007 SEP 28 PM 1:54
S.D. OF N.Y. W.P.

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Defendants-Petitioners, THE TOWN OF WALLKILL, P.O. DENNIS ROLON,
P.O.HUGO BOSS¹ and JOHN DOE POLICE OFFICERS 1-2, ("Defendants-
Petitioners"), by its attorneys MIRANDA SOKOLOFF SAMBURSKY SLONE &
VERVENIOTIS, LLP, upon information and belief, respectfully petition the Court,
pursuant to § 28 U.S.C. 1441, as follows:

1. This action/proceeding was commenced in the Supreme Court of the State
of New York, County of Orange, against the Defendants-Petitioners on August 30, 2007,
the date plaintiff's Verified Complaint was received. No further proceedings have been
had in the action. A copy of plaintiff's Verified Complaint is annexed hereto as Exhibit
A.

¹ I am informed by the Town of Wallkill Police Department that they do not employ any police officer
named Hugo Boss. Plaintiff's Complaint references a "Kelly Boss" as being s/h/a "Hugo Boss", therefore,
to the extent that the Plaintiff intended to name police officer Kelly Boss, and/or the "John Doe"
designations, the relief sought herein is sought on their behalf as well.

2. This action arises out of the May 14, 2006 arrest of the plaintiff for Harassment in the Second Degree following his assault of another citizen at the Staples Print Center located at 470 Route 211 in Middletown, New York.

3. Plaintiff brings this action, under state and federal law, claiming, *inter alia*, that the Defendants-Petitioners violated his civil rights, including those rights protected by 42 U.S.C. § 1983, the Fourth, Eighth, and Fourteenth Amendments of the United States Constitution, as well as the New York State Constitution. (Exhibit A).

4. This case, therefore, falls within this court's federal question jurisdiction, 28 U.S.C. §1331. Defendants-Petitioners are entitled to remove this action pursuant to 28 U.S.C. § 1441(b), which provides, in pertinent part:

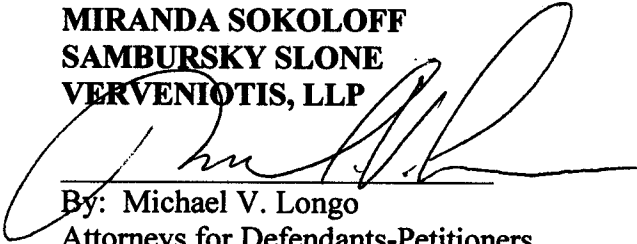
Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.

5. Defendants-Petitioners make this application within 30 days of receiving plaintiff's Verified Complaint in accordance with 28 U.S.C. § 1446(b).

WHEREFORE, Petitioners-Defendants, THE TOWN OF WALLKILL, P.O. DENNIS ROLON, P.O.HUGO BOSS and JOHN DOE POLICE OFFICERS 1-2, pray that the above-captioned action, now pending in the Supreme Court of the State of New York, County of Orange, be removed therefrom to this Court.

Respectfully Submitted,

**MIRANDA SOKOLOFF
SAMBURSKY SLONE
VERVENIOTIS, LLP**



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